
**Labor & Workforce Development
Committee**

HB 1540

Brief Description: Granting binding interest arbitration rights to certain uniformed personnel.

Sponsors: Representatives Seaquist, Sells, Hope, Reykdal, Stanford, Hayes, Appleton, Green, Moscoso, Bergquist, Fey, Pollet and Santos.

Brief Summary of Bill

- Provides binding interest arbitration under the Personnel System Reform Act for duly sworn police officers employed as members of a police force established by state universities, regional universities, or The Evergreen State College.

Hearing Date: 2/12/13

Staff: Alexa Silver (786-7190).

Background:

The Public Employees' Collective Bargaining Act (PECBA) provides for collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. The PECBA also applies to the state with respect to the officers of the Washington State Patrol.

The PECBA recognizes the public policy against strikes by uniformed personnel as a means of settling labor disputes. To resolve impasses over contract negotiations involving uniformed personnel and state patrol officers, the PECBA requires binding interest arbitration. Uniformed personnel include certain law enforcement officers and fire fighters.

The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. The PSRA does not provide for binding interest arbitration.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The boards of the University of Washington, Washington State University, the regional universities, and The Evergreen State College are authorized to establish police forces for their institutions.

Summary of Bill:

The Personnel Systems Reform Act (PSRA) recognizes the public policy against strikes by uniformed personnel as a means of settling labor disputes. To resolve impasses over contract negotiations involving uniformed personnel, the PSRA requires binding interest arbitration. "Uniformed personnel" are duly sworn police officers employed as members of a police force established by state universities, regional universities, or The Evergreen State College.

Most interest arbitration provisions added to the PSRA are similar to provisions in the Public Employees' Collective Bargaining Act (PECBA). These provisions specify that the right of uniformed personnel to strike is not granted, and also address:

- mediation when an agreement is not reached following negotiations;
- arbitration when an agreement is not reached following negotiations and mediation;
- powers and duties of an arbitration panel;
- procedures for an arbitration hearing; and
- factors to be considered by the arbitration panel.

Several provisions added to the PSRA are comparable to provisions applicable to the Washington State Patrol in the PECBA. These provisions:

- establish procedures for appointing an arbitration panel, which arbitrates if the parties are not successful in negotiating a collective bargaining agreement;
- require the Governor to submit either a request for funds to implement the compensation and fringe benefit provisions in an agreement, or a request for legislation necessary to implement an agreement, if the request is submitted to the Director of the Office of Financial Management by October 1 and reflects an arbitration panel's decision;
- specify that, if an impasse in negotiations results in an arbitration award, that decision is not binding on the Legislature; and
- further specify that, if the Legislature does not approve the funds necessary to implement the compensation and fringe benefit provisions of an arbitrated agreement, the arbitration decision is not binding on the state.

The Public Employment Relations Commission is required to review whether existing bargaining units that include "uniformed personnel" are appropriate and is authorized to modify a unit that is not appropriate. Exclusive bargaining representatives of uniformed personnel are "grandfathered" and continue to represent those units without the necessity of an election as of the bill's effective date. There may be proceedings concerning representation after the bill's effective date.

Appropriation: None.

Fiscal Note: Requested on February 5, 2013.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.